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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights,[1] international human rights treaties and other relevant international instruments and declarations,

Recalling the Geneva Conventions of 12 August 1949[2] and Additional Protocol I thereto, of 1977,[3] as applicable, as well as relevant customary international law,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

[1] Resolution 217 A (III).
[2] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.
[3] Ibid., vol. 1125, No. 17512.

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Recalling its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, resolution 71/205 of 19 December 2016 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

Condemning the ongoing temporary occupation of part of the territory of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") — by the Russian Federation, and reaffirming the non-recognition of its annexation,

Supporting Ukraine's commitment to adhere to international law in its efforts to put an end to the Russian occupation of Crimea, and welcoming Ukraine's commitments to protect the human rights and fundamental freedoms of all its citizens,

Reaffirming the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law,

Welcoming the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe, and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

Welcoming also the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine),[4] submitted pursuant to resolution 71/205,

Reaffirming grave concern that the human rights monitoring mission in Ukraine continues to be denied access to Crimea, despite its existing mandate, which covers the entire territory of Ukraine within its internationally recognized borders,

Condemning the imposition and retroactive application of the legal system of the Russian Federation, and its negative impact on the human rights situation in Crimea, the imposition of automatic Russian Federation citizenship on protected persons in Crimea, which is contrary to international humanitarian law, including the Geneva Conventions and customary international law, and the regressive effects on the enjoyment of human rights of those who have rejected that citizenship,

Condemning also the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions, torture and ill-treatment, in particular to extract confessions, and psychiatric internment, and their transfer or deportation from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

[4] See A/72/498.

Reaffirming serious concern at the decision of the so-called Supreme Court of Crimea of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016 to declare the Mejlis of the Crimean Tatar People, the self-governing body of the Crimean Tatars, to be an extremist organization and to ban its activities,

Condemning the increasing pressure exerted upon religious minority communities, including through frequent police raids, threats against and persecution of those belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Protestant Church, mosques and Muslim religious schools, Greek-Catholics, Roman Catholics and Jehovah's Witnesses, and condemning also the baseless prosecutions of dozens of peaceful Muslims for allegedly belonging to Islamic organizations,

Taking note of the order of the International Court of Justice as of 19 April 2017 on provisional measures in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation)*,

Recalling the prohibition under the Geneva Conventions of 12 August 1949 for the occupying Power to compel protected persons to serve in its armed or auxiliary forces, including through pressure or propaganda that is aimed at securing voluntary enlistment,

Underlining the importance of the measures to develop transparent, accessible, non-discriminatory and expeditious procedures and regulations governing access to Crimea for human rights defenders, journalists and lawyers, as well as the possibility to appeal, in accordance with national legislation and in conformity with all applicable international law,

Welcoming the support provided by Ukraine to media outlets and civil society organizations that have fled Crimea, which improves the ability of the media and civil society to work independently and without interference,

Welcoming the continued efforts of the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing further concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

1. *Condemns* violations, abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

2. *Also condemns* the unlawful imposition of laws, jurisdiction and administration in the occupied Crimea by the Russian Federation, and demands that the Russian Federation respect obligations under international law with regard to respecting the laws in force in Crimea prior to occupation;

3. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To fully and immediately comply with the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning

Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation);

(c) To take all measures necessary to bring an immediate end to all violations and abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation;

(d) To respect the laws in force in Ukraine and to repeal laws imposed in Crimea by the Russian Federation that allow for forced evictions and the confiscation of private property in Crimea, in violation of applicable international law;

(e) To immediately release Ukrainian citizens who were unlawfully detained and judged without regard for elementary standards of justice, as well as those transferred or deported across internationally recognized borders from Crimea to the Russian Federation;

(f) To address the issue of impunity and ensure that those found to be responsible for violations and abuses are held accountable before an independent judiciary;

(g) To create and maintain a safe and enabling environment for journalists, human rights defenders and defence lawyers to perform their work independently and without undue interference in Crimea;

(h) To restore enjoyment of the rights of all individuals, without any discrimination based on origin and on religion or belief, and to revoke the decisions that banned cultural and religious institutions, NGO's, human rights organizations, media outlets, and to restore enjoyment of the rights of individuals belonging to ethnic communities in Crimea, in particular Ukrainians and Crimean Tatars, including to engage in cultural gatherings;

(i) To ensure the availability of education in the Ukrainian and Crimean Tatar languages;

(j) To revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, repeal the decision banning leaders of the Mejlis from entering Crimea and refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions;

(k) To end the practice of compelling Crimean residents to serve in the armed or auxiliary forces of the Russian Federation, including through pressure or propaganda;

(l) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and the Council of Europe on the situation of human rights in Crimea;

4. *Requests* the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine, to enable them to carry out their mandate;

5. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights

non-governmental organizations to Crimea, including all places where persons may be deprived of their liberty, recognizing that the international presence in Crimea is of paramount importance in preventing further deterioration of the situation;

6. *Supports* Ukraine's efforts to maintain economic, financial, political, social, informational, cultural and other ties with its citizens in the occupied Crimea in order to facilitate their access to democratic processes, economic opportunities and objective information;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare by the end of its seventy-second session the second dedicated thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and to update the Human Rights Council on the issue at its thirty-seventh session, in accordance with the existing mandate and within the existing resources of the human rights monitoring mission in Ukraine, which is currently funded by voluntary contributions;

8. *Requests* the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the present resolution;

9. *Decides* to continue its consideration of the matter at its seventy-third session under the item entitled "Promotion and protection of human rights".